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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,555	03/02/2004	Dirk Trossen	042933/273562	3293
826 7590 03/17/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER HOANG, HIEU T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/791,555

**Applicant(s)**

TROSSEN ET AL.

**Examiner**

HIEU T. HOANG

**Art Unit**

2152

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 03/02/2004  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 03/02/2004.
2. Claims 1-24 are pending and presented for examination.

### ***Claim Objections***

3. Claims 1-24 are objected to because the preambles are too general. A specific preamble for each claim is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A computer program product, as recited in the specification as a context manager which is software (page 21 lines 23-24). However, the claims recite "a computer program product comprising a computer-readable storage medium." This limitation is unclear because context manager can not comprise a computer storage medium. Correction is required. It is suggested that the applicant amend the claims to read "a computer-readable storage medium comprising..."

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen et al. (US 2002/0173295, hereafter Nykanen), in view of Tervo et al. (EP 1,180,887 A1, hereafter Tervo).

8. For claim 1, Nykanen discloses a system comprising:

at least one service provider capable of providing at least one context-based service (fig. 2A, web server 160 providing context aware web services A, X and Y); and  
a terminal capable of determining an authorization of the at least one service provider to receive context information relating to at least one context of at least one of the terminal and a terminal user (abstract, fig. 2, privacy profile with associated permission list, certificates, trust list, flags for authenticated programs or web services for requesting and receiving context from sensor inputs), and.

Nykanen does not explicitly disclose:

the terminal is capable of storing at least one cookie associated with the at least one service provider; wherein the terminal is capable of at least one of inserting,

updating and deleting context information relating to the at least one context in the at least one cookie associated with each authorized service provider;

However, Tervo discloses the same ([0011], [0012], a context such as device location can be updated as a portion of a cookie relating to a domain or application, the cookie is stored at the device)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Nykanen and Tervo to create and update regularly at the client side cookies that relate to a web service or application and user device ([Tervo, [0013]).

9. For claim 7, Nykanen discloses a terminal comprising:

a controller capable of communicating with a context manager (fig. 2, privacy control 150 and context inference engine 136), wherein the context manager is capable of determining an authorization of the at least one service provider to receive context information relating to at least one context of at least one of the terminal and a terminal user (fig. 2, abstract, privacy profile with associated permission list, certificates, trust list, flags for authenticated programs or web services for requesting and receiving context from sensor inputs);

Nykanen does not explicitly disclose:

a memory capable of storing at least one cookie associated with at least one service provider; and the context manager is also capable of at least one of inserting,

updating and deleting context information relating to the at least one context in the at least one cookie associated with each authorized service provider.

However, Tervo discloses the same ([0011], [0012], a context such as device location can be updated as a portion of a cookie relating to a domain or application, the cookie is stored at the device)

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Nykanen and Tervo to create and update regularly at the client side cookies that relate to a web service or application and user device ([Tervo, [0013]).

10. Claims 13 and 19 are rejected for the same rationale as in claim 1.

11. For claim 2, Nykanen-Tervo discloses the invention as in claim 1. Nykanen-Tervo further discloses the terminal is further capable of receiving a trigger to at least one of insert, update and delete context information (Nykanen, fig. 2, triggers to update are changes in contexts created by sensor inputs) before determining the authorization and at least one of inserting, updating and deleting the context information (Nykanen, fig. 2, authorization based on privacy profile).

12. Claims 8, 14, 20 are rejected for the same rationale as in claim 2.

13. For claim 3, Nykanen-Tervo discloses the invention as in claim 2. Nykanen-Tervo further discloses the terminal is capable of at least one of inserting, updating and deleting context information based upon the trigger (Tervo, [0012], [0013], update position context in the cookie based upon receiving position sensor change).

14. Claims 9, 15, 21 are rejected for the same rationale as in claim 3.

15. For claim 4, Nykanen-Tervo discloses the invention as in claim 3. Nykanen-Tervo further discloses an authorization manager capable of storing at least one authorization policy (Nykanen, fig. 2, privacy profile), wherein the terminal is capable of receiving at least one authorization policy from the authorization manager to thereby determine the authorization of the at least one service provider (Nykanen, items 155, 158, 159, 161), and wherein the terminal is capable of receiving a trigger comprising at least one of a change in at least one context of the context information (Nykanen, fig. 2, change received from sensor inputs), a change in at least one authorization policy, and a periodicity.

16. Claims 10, 16, 22 are rejected for the same rationale as in claim 4.

17. For claim 5, Nykanen-Tervo discloses the invention as in claim 1. Nykanen-Tervo further discloses the at least one service provider is capable of requesting, from the terminal, context information relating to at least one context (Nykanen, [0068], web

applications request access to context), wherein the terminal is capable of sending the requested context information from a cookie including the requested context information to the at least one service provider (Tervo, [0012], [0013], context change is updated in a cookie, then provided to the service provider or server), wherein the terminal is capable of sending the requested context information when the at least one service provider is authorized to receive the requested context information (fig. 2, authorized service can receive the context), and wherein the at least one service provider is capable of sending a context-based service to the terminal based upon the context information sent to the at least one service provider from the terminal (Tervo, [0014], service provider's service is updated).

18. Claims 11, 17, 23 are rejected for the same rationale as in claim 5.

19. For claim 6, Nykanen-Tervo discloses the invention as in claim 5. Nykanen-Tervo further discloses the context information includes an expiration time for at least one context, and wherein the at least one service provider is capable of sending the context-based service further based upon the expiration time of the context information sent to the at least one service provider from the terminal (Tervo, [0005], [0036], update service each interval of expiration time).

20. Claims 12, 18, 24 are rejected for the same rationale as in claim 6.



***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Blakley et al. US 2004/0128390.
- Lee et al. US 2005/0114521.
- Kirkland. US 2005/0033850.
- Akers et al. US 2003/0140146.
- Habegger et al. US 2003/0074583.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HH

/Bunjod Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152